

LEGISLATIVE BRANCH APPROPRIATIONS FOR FISCAL YEAR 2018

WEDNESDAY, JUNE 7, 2017

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met at 3:00 p.m., in room SD-124, Dirksen Senate Office Building, Hon. James Lankford (chairman) presiding.
Present: Senators Lankford, Kennedy, Murphy, and Van Hollen.

LIBRARY OF CONGRESS

STATEMENT OF HON. CARLA D. HAYDEN, LIBRARIAN OF CONGRESS

OPENING STATEMENT OF SENATOR JAMES LANKFORD

Senator LANKFORD. Good afternoon.

I would like to welcome everyone to the first of our fiscal year 2018 budget hearings for the Legislative Branch Appropriations Subcommittee.

Today, we have with us the Honorable Carla Hayden, Librarian of Congress, and the Honorable Stephen Ayers, Architect of the Capitol. I appreciate the willingness of both of you to appear and your preparation leading up to this.

I would like to offer a special welcome to Dr. Hayden, as this is her first hearing before this subcommittee. Confirmed as the 14th Librarian of Congress, she is the first woman Librarian of Congress and first African-American Librarian of Congress. So glad that you are here; we will try to make this rough on you to make it memorable.

She also has taken the helm of the Library at a critical period in its modernization, a lot of things that have been moving for a while and you have a big responsibility there in the coming years.

Before we dive into the details, I would like to frame the fiscal situation we find ourselves in this year.

We are yet again in a situation where flat budgets are more than likely and that may even be a best case scenario. We will do our part to make responsible decisions on how to allocate our limited funds, but also understand there are serious priorities that also have to be accomplished for the Nation.

It is my hope that during this Congress, we can return to debating and passing individual appropriation bills instead of governing from one Continuing Resolution to another. These stand alone bills better reflect the thoughtful work of our subcommittee, the valu-

able insights from every agency, and including those we are about to receive today.

For fiscal year 2018, the total budget request for the Library is \$687.7 million, an increase of \$55.8 million above the fiscal year 2017. The request includes an increase for enterprise IT modernization across the Library, and an additional 42 FTEs to support that effort, as well as an increase in the staff levels for the Copyright Office and the Congressional Research Service.

The Architect of the Capitol's budget request for fiscal year 2018 totals \$773.1 million, an increase of \$155.2 million above fiscal year 2017 enacted level, including nine additional FTEs. Of this request, \$350 million is for capital projects, and given the deferred maintenance backlog of \$1.5 billion, I recognize you have had to make difficult choices in regard to what was included in your request.

I must reiterate we will have to make very difficult choices in light of the budget constraints. In this budget environment, we will not be able to accommodate every increase, but it will be important to hear what you see as most important and what the greatest need for investment is.

It is worth noting in previous years, the Library of Congress and the Architect of the Capitol have requested increases that the subcommittee was not able to provide in the past, and yet each agency has been able to maintain services and complete needed projects and modernization efforts.

The Library received only \$42 million of the \$101 million increase it requested in the past 2 years, and was able to invest in IT security, plan for an agency-wide IT modernization, and respond to 60,000 congressional requests that were made to CRS. I think 55,000 of those were by Senator Murphy. No? Probably not; probably more from me.

Similarly, the Architect received only \$17 million of the requested \$142 million increase over the last 2 years, but within this budget the dome and rotunda restoration was completed, work continued on the Capitol exterior stone and metal preservation, and the set up for the 2017 Inauguration was flawlessly executed.

I mention this to remind you, but also to commend you. You have done a tremendous amount of good with very limited funding, and we appreciate that.

Before moving on, I would like to offer my condolences for the loss of a member of the Architect of the Capitol's team, Matthew McClanahan, a pipefitter for the Maintenance Division for the Capitol grounds. I know this loss has been a tremendous loss for the Architect of the Capitol's family, the entire Capitol family, and most especially his family. We continue to pray for Matthew and his family in the days ahead and for you.

I would like to now turn to my ranking member, Senator Murphy, for opening remarks he would like to make.

STATEMENT OF SENATOR CHRISTOPHER MURPHY

Senator MURPHY. Thank you very much, Mr. Chairman.

It is a pleasure to be here, my first hearing as ranking member. I look forward to doing good work with you. I ask the witnesses to take it easy on me given that it is my first time around in this role.

I want to associate myself with virtually everything that the chairman said. His note of commendation is important. Often unheralded, the work that you and your staffs do, adds to the value that we hope that we can provide to our constituents and that you individually provide to our constituents. You have done so with severely trimmed sails. We hope to be able to work with you to address the challenges that are continually presented to you.

My only editorial comment is that I do understand that we have to live within the budget constraints that exist, but I would hope that as now leaders of the appropriations subcommittee, we can talk about bringing some sanity to this process.

I agree. I would like to move on regular order, but without adjustments to the fiscal year 2018 budget caps, our domestic programs face nearly \$16 billion in cuts compared to 2017. Even worse, the President has proposed to add on top of that \$54 billion in cuts to domestic spending.

Contrary to popular belief, not every investment that the Federal Government makes is wasted. There are some incredibly worthwhile endeavors that we engage in to help our constituents and, of course, the work that you do is at the top of that list.

I know we have a much bigger conversation about the budget picture going forward, but if the President's budget moves forward, if the unadjusted 2018 budget caps move forward, then we are looking at just absolutely crisis shortfalls for some really important programming. You are certainly on that list.

Lastly, let me just add my words of sympathy for the loss of Mr. McClanahan, his wife Lauren, his two children that he leaves behind, Eve and Matthew. We are just so grateful for his work and we are going to remember him as someone who helped nurture and preserve the Capitol grounds.

With that, I am really eager to get to the work here and eager to hear your testimony.

Senator LANKFORD. With that, I would like to ask our witnesses to give their opening statements. I will begin, as we should, with ladies first.

Dr. Hayden, you will have approximately 5 minutes, though we should not run a clock. We will have open conversation in our time today. If you go a little bit over that, I think we will all be fine, but we are honored to be able to receive your statement.

SUMMARY STATEMENT OF HON. CARLA D. HAYDEN

Dr. HAYDEN. Thank you, Mr. Chairman and Ranking Member Murphy.

This opportunity to provide testimony in support of the Library's fiscal year 2018 budget, my first as Librarian of Congress, and I look forward to working with all of you.

Nearly 9 months into my tenure, I continue to be inspired by the breadth and depth of the Library's collections and the expertise and commitment to public service of its staff. Today, the Library holds more than 164 million items in all formats and languages, and has the world's largest collection of legal materials, films, and sound recordings.

Last year, the Library welcomed nearly 1.8 million in-person visitors and there were 93 million visits to the website. More than

400,000 claims were registered by the U.S. Copyright Office and more than 10.5 million preservation actions on the collections were undertaken. The Library responded to over 1 million reference requests from Congress, the public, and other Federal agencies.

I would like to express my sincere gratitude for the support of this subcommittee and, indeed, the entire Congress provides for the Library. And in particular, we all appreciate your support for fiscal year 2017 funding bill for several high priority needs.

I come before you today to discuss the Library's funding request for fiscal year 2018 during a time, as you have acknowledged, of challenge and opportunity as we position the Library for the future.

I am committed to a modernized Library that will make our extraordinary resources, collections, and programs available online, enhancing opportunities for those who could not come to see us in person.

The fiscal year 2018 budget request has three priorities, Information Technology (IT) and IT modernization, unique staffing requirements, and collection storage and preservation.

Our IT request builds on the progress made by the fiscal year 2017 appropriation with three critical modernization initiatives: enterprise investment in IT for the entire Library, copyright IT modernization, and Congressional Research Service, CRS, systems modernization.

First, the Library's enterprise-wide IT modernization request will upgrade the underlying network infrastructure across the enterprise to state of the industry standards. This effort will provide the infrastructure backbone to support the modernization of all business applications including a modern copyright registration system.

The Copyright IT modernization request will focus on mission systems and seek support for the next generation registration system, as well as resources for maintaining the stability of the Copyright's legacy systems.

Finally, CRS is seeking a 5-year investment in the Integrated Research and Information System, IRIS, to modernize mission-specific information systems that will reduce the time to research, analyze, create, and deliver CRS products to Congress with increased security and confidentiality.

Our staffing request focuses on three key areas: copyright, CRS, and IT. Our third priority, storage and preservation space for our collections continues to be a severe need. Storage Module 5, that you will hear more about in a minute, is on target for completion in calendar 2017. As you might realize, our storage needs for collections and preservation will continue for a number of years.

Our 2018 budget request reflects the Library's most immediate priority of serving Congress, expanding access to historical documents and improving service in all of the mission areas. The request for fiscal year 2018 is for approximately \$738 million, which represents a 7.8 percent increase over the Library's fiscal year 2017 budget. Of this, 5.9 percent accounts for mandatory pay and price level increases, and the balance of the increase represents critical investment in information technology for the Library, Copyright Office, and Congressional Research Service.

In closing, modernized IT, strengthened infrastructure, and funding for staff with unique skills and expertise are all critical elements in positioning the Library for the future.

With your support, our service to the Congress and the American people promises to be the best it has ever been as we try to reach millions of new users in the years to come.

I welcome your questions.

[The statements follow:]

PREPARED STATEMENT OF HON. CARLA D. HAYDEN

Mister Chairman, Ranking Member Murphy, and Members of the subcommittee:

Thank you for the opportunity to provide testimony in support of the Library's fiscal year 2018 budget, my first as Librarian of Congress. I look forward to working with you.

Nearly 9 months into my tenure, I am inspired by the breadth and depth of the Library's collections and the expertise and commitment to public service of its staff. Today, the Library holds more than 164 million items in all formats and languages and has the world's largest collections of legal materials, films, and sound recordings. Last year the Library welcomed nearly 1.8 million in-person visitors and there were 93 million visits to our website. More than 414 thousand claims were registered by the U.S. Copyright Office. More than 10.5 million preservation actions on the collections were undertaken and the Library responded to over 1 million reference requests from the Congress, the public, and other Federal agencies.

I would like to express my sincere gratitude for the support that this committee and the entire Congress provide for the Library. In particular, I appreciate your support in the fiscal year 2017 funding bill for several high-priority needs. As the Library continues to implement recommendations by the Government Accountability Office to strengthen our information technology infrastructure, funding for the 3-year migration of our data center to a new, safe and secure Tier III primary computing facility, away from Capitol Hill, is a vital component of IT modernization. The support you provided for protecting the Library against cyber security threats through two-factor authentication will directly address this shared priority. Improved security will protect our IT network and resources, including the security and confidentiality of Congressional Research Service data.

I particularly appreciate the additional funding and authorization for Copyright Office modernization, one of my management priorities. Also, your support for digital collections management staffing, new Law Library compact shelving, and additional funding for CRS will positively impact the Library's highest priority needs.

I come before you today to discuss the Library's funding request for fiscal year 2018 during a time of challenge and opportunity as we position the Library for the future. I am committed to a modernized Library that will make our extraordinary resources, collections and programs available online, enhancing opportunities for those who cannot come to see us in person. We will continue to raise gift and trust funds for special acquisitions that complement the collections as well as to hold programs that would not be possible through appropriated funding. For example, in the past year gift funds allowed us to acquire a rare Philadelphia census directory from 1811, the first city directory to contain a separate listing of the city's African-American residents.

Our budget request reflects the Library's most immediate priorities of serving the Congress, expanding access to historical documents, improving service in all mission areas and being good stewards of the national collection. As an example of increased access and better service, we are livestreaming Library programming for children and adults to bring the Library's collections to people who cannot come to Washington, DC.

In the months since I took office, to better support these priorities, we have taken positive steps to strengthen management and oversight within existing resources. In November, I addressed the need to maximize value from the Library's investment in technology by directing that all technology activities be centrally coordinated through the Office of the Chief Information Officer (OCIO) and approved by the Chief Information Officer, who now reports directly to me. IT centralization is well underway. IT investment planning is now coordinated Library-wide.

The Director of the Office of Strategic Planning and Performance Management also reports directly to the Librarian. This alignment strengthens strategic, directional and operational planning, as well as performance assessment, internal controls, and the identification and mitigation of high-risk areas.

I am confident that these adjustments have put us on the right management path internally to position the Library for the future. Now, however, I ask for your assistance for the key initiatives in our request that will continue our progress in modernization and staffing.

The Library of Congress fiscal year 2018 budget request is for approximately \$738 million, which represents a 7.8 percent increase over the Library's fiscal year 2017 budget. Of this, 5.9 percent accounts for mandatory pay and price level increases (\$43.3 million). The balance of the increase represents critical investments in information technology for the Library, the Copyright Office, and the Congressional Research Service, as well as funding to acquire new workforce expertise in key areas.

The fiscal year 2018 budget request advances the fiscal year 2017 IT modernization progress with three critical modernization initiatives: enterprise investment in IT for the Library; Copyright IT modernization; and CRS systems modernization. First, the Library's Enterprise IT Modernization request will upgrade the underlying network infrastructure across the enterprise to state-of-the-industry standards. This effort will provide the infrastructure backbone to support the modernization of all business applications, including a modern Copyright registration system. Next, the Copyright IT modernization request will focus on its mission systems and seeks support requirements analysis for the next generation registration system as well as resources for maintaining the stability of Copyrights legacy systems. Finally, CRS is seeking a 5-year investment in the Integrated Research and Information System (IRIS) to modernize mission-specific information systems that will reduce the time to research, analyze, create, and deliver CRS products to Congress with increased security and confidentiality of congressional data.

A highly trained workforce with the unique skills and expertise to take the Library into the future is critical to meeting the needs of the Congress and the American people. We have an aging staff. For CRS in particular, bringing in junior analysts is important to strengthen capacity in high congressional demand areas such as defense policy, health and education policy, and the Federal budget process. The junior analyst staffing model is an innovative, cost-effective concept that allows CRS to be more nimble and flexible with staff by providing analysis on emerging issues, while reducing staff capacity in areas that are no longer in demand. It also provides the junior analysts with the opportunity to build expertise by working with top senior analysts.

The Library is also committed to a fully functional, well-staffed, and modern Copyright Office. Funding is also requested to establish a more robust Copyright registration staff as well as public information staff to address backlogs and improve the Copyright user experience. Enhanced public information staffing will improve the Copyright user experience and allow the Public Information Office to permanently expand hours of service to better serve the large copyright stakeholder community on the West Coast.

Storage space for our collections continues to be a high priority. Storage module 5 is on target for completion in calendar 2017, thanks to congressional support. Although not in the Library's budget request, the Architect of the Capitol is requesting \$45 million in its fiscal year 2018 budget to build a double preservation storage module 6, needed to keep up with the volume and preservation of the physical collections. The design for preservation storage module 6 was funded in 2016. As stewards of the precious collections stored at Ft. Meade, resources that belong to current and future generations, we are deeply grateful for this congressional support.

Another less obvious improvement to our infrastructure is restoration of our custodial services through an addition to base funding. Custodial services have degraded significantly since 2011 as the result of escalating costs. A return to 2011/2012 acceptable quality levels would address health and sanitation concerns, and also prevent erosion of the physical plant. All of this is important not only for the staff, but for visitors to the Library.

In closing, modernized IT, strengthened infrastructure, and funding for staff with unique skills and expertise are all critical elements in positioning the Library for the future. With your support, our service to the Congress and the American people promises to be the best it has ever been, as we reach millions of new users in the years to come.

Mister Chairman, Ranking Member Murphy, and Members of the subcommittee, the Library is both America's first Federal cultural institution and part of the innovative infrastructure of America. I thank you again for supporting the Library of Congress and for your consideration of our fiscal year 2018 request.

PREPARED STATEMENT OF KARYN TEMPLE CLAGGETT, ACTING UNITED STATES
REGISTER OF COPYRIGHTS

Mister Chairman, Ranking Member Murphy, and Members of the subcommittee: Thank you for the opportunity to submit the United States Copyright Office's fiscal year 2018 budget request.

As this Committee has recognized, technology continues to transform and expand the role of copyright and the Copyright Office in the Nation's economy.¹ According to some statistics, in 2015 core copyright industries added more than \$1.2 trillion to the U.S. gross domestic product, accounting for 6.88 percent of the U.S. economy.² These industries employed over 5.5 million workers, accounting for 3.87 percent of the entire U.S. workforce.³ Against this backdrop, the Office maintains key aspects of the Nation's copyright system, which benefits content creators, technology companies, and the public at large.

The Copyright Office manages the Nation's copyright registration and recordation systems, each year reviewing hundreds of thousands of claims for copyright and thousands of copyright transfer statements. The Office also administers statutory licensing royalties and distributes hundreds of millions of dollars annually in royalty payments. Office staff process assorted public inquiries on nearly every aspect of copyright law; search and provide certified copies of Office records; transfer hundreds of thousands of new materials to the Library of Congress; and provide expert legal and policy advice to Federal agencies, courts, and Congress.

In fiscal year 2016 alone, the Copyright Office registered approximately 414,000 claims to copyright and recorded almost 11,000 ownership-related documents pertaining to nearly 162,000 copyrighted works. The Office collected over \$242 million in royalty payments from statutory licenses and provided certified copies of Office records generating over \$600,000 in fees. In addition, the Office answered over 37,000 electronic filing inquiries; 6,500 phone calls; 6,000 email inquiries per month; and assisted nearly 2,000 in-person visitors.

The Copyright Office also engaged in important and complex legal and policy issues in furtherance of the Copyright Act. Consistent with its statutory mandate, the Office advised Congress on a host of informal legislative inquiries and responded to several formal congressional requests to study a number of copyright issues. Office attorneys also assisted the Department of Justice on various copyright-related matters, including briefing in the Supreme Court. For example, in fiscal year 2016, the Office participated in briefing the Supreme Court in *Star Athletica LLC v. Varsity Brands, Inc.* and *Kirtsaeng v. John Wiley & Sons, Inc.* In the past year and a half, the Office published two comprehensive policy reports, *The Making Available Right in the United States* in February 2016, and *Software-Enabled Consumer Products* in December 2016. The Office also continued ongoing studies on the impact and effectiveness of the safe harbor provisions of section 512 of Title 17 and on the anti-circumvention provisions of section 1201 of Title 17. The Office held a series of public hearings in San Francisco, New York, and Washington DC, and analyzed nearly 100,000 public comments submitted in connection with these studies.

In fiscal year 2017, the Copyright Office has issued multiple publications in the Federal Register. To date, the Office has issued seven final rules, and six proposed rules are pending. For example, the Office published Notices of Proposed Rulemaking on technical clarifications to regulations under Title 17, as well as proposals on supplementary registration and group registration practices. It also issued Final Rules regarding the designation of agents to receive notifications of claimed infringement and removal of personally identifying information from the Office's records, and a Notice of Inquiry initiating a study on the moral rights of attribution and integrity. In anticipation of modernization, the Office also has proposed omnibus revisions to current recordation regulations governing transfers and termi-

¹ "The Committee recognizes that the digital revolution has transformed the copyright marketplace and, as a result, the role of the Copyright Office in our economy." S. Rep. No. 114-258, at 39 (2017).

² STEPHEN E. SIWEK, COPYRIGHT INDUSTRIES IN THE U.S. ECONOMY: THE 2016 REPORT 2 (2016) (prepared for the International Intellectual Property Alliance).

³ *Id.* Additionally, the Department of Commerce's Internet Policy Task Force has explained the importance of the copyright industries, noting in 2013 that "[t]he industries that rely on copyright law are today an integral part of our economy, accounting for 5.1 million U.S. jobs in 2010—a figure that has grown dramatically over the past two decades. In that same year, these industries contributed 4.4 percent of U.S. GDP, or approximately \$641 billion. And the demand for content produced by our creators contributes to the development of the broader Internet economy, spurring the creation and adoption of innovative distribution technologies." DEPARTMENT OF COMMERCE INTERNET POLICY TASK FORCE, COPYRIGHT POLICY, CREATIVITY, AND INNOVATION IN THE DIGITAL ECONOMY 5 (2013) (citations omitted).

nations of copyright ownership. These rules contemplate the development of an online recordation system through which remitters can submit materials electronically, which will replace the current paper-based system. The Office further anticipates an overhaul or update of registration and licensing regulations to accommodate modernization, adjust to technological enhancements, and align with developing business practices. In addition, the Office preliminarily has identified the need to review all regulations, many of which date back to 1978.

Finally, the Copyright Office engaged in numerous international initiatives, including serving on intergovernmental delegations to the World Intellectual Property Organization (WIPO) and supporting executive branch agencies in analyzing copyright legislation in other countries. For example, the Office provided the interagency with copyright-related advice on dozens of World Trade Organization (WTO) trade policy reviews and two country accessions to the WTO. In partnership with WIPO, in June 2016 the Office hosted its biennial International Copyright Institute training program for senior copyright officials from 22 developing countries.

FUNDING AND OVERALL FISCAL YEAR 2018 BUDGET REQUEST

To conduct its statutorily mandated work, the Copyright Office requests a budget that will enable it to continue to provide high-quality services to the public, Congress, and other Federal agencies. This request specifically seeks funding to continue the Office's IT modernization efforts, which the Committee has previously supported, within the context of the Library's broader IT centralization model. It also focuses on targeted staffing needs to maintain and improve efficiencies in registration, public records, public information services, and legal review. With these funds, the Office can better serve the American public at large and continue to support the Nation's copyright system.

The Copyright Office administers funds from three separate budgets or program areas: (1) *Basic Budget*, which funds most of the Office's core operations, including the majority of payroll-related expenses. Historically the basic budget has been provided through a combination of appropriated dollars and authority to spend fee revenue, with fees constituting a majority of this funding (generally in the range of 58 percent to 67 percent); (2) *Licensing Budget*, which is derived completely from licensing royalty collections otherwise payable to copyright owners and filing fees paid by cable and satellite licensees pursuant to statutory licenses administered by the Office; and (3) *Copyright Royalty Judges Budget*, which funds the Copyright Royalty Board ("CRB")—although the CRB is not a part of the Office, the Office administers its budget on behalf of the Library of Congress.

For fiscal year 2018, the Copyright Office requests a combined total of \$72.0 million in funding and 488 FTEs, of which \$43.6 million would be funded through authority to expend fees collected in fiscal year 2018 and in prior years.

Specifically, the Office's requests are:

- Basic Budget*: \$64.7 million and the authority to have 458 FTEs. \$6.1 million and 22 FTEs of this request are for new initiatives, including funding important IT stabilization and modernization efforts, and staffing to address ongoing operations described further below. As in past years, the Office asks that Congress provide budget authority through a combination of annual appropriations and authority to offset fee revenue. The Office requests that \$35.2 million be provided through authority to expend fiscal year 2018 fee revenue and that \$2.3 million come through use of unobligated revenue balances of prior years. The Office requests that the remaining \$27.2 million come from appropriated dollars.

Initiatives to be funded through this request include:

- \$3.6 million devoted to Office IT modernization, which would be covered completely by fees collected in fiscal year 2018 or prior fiscal years; and
- \$2.5 million devoted to staffing for the Office to conduct registration activities; legal analysis; and administer the Office's public records, repositories, and public information functions.
- Licensing Division Budget*: \$5.7 million, all of which is funded via fees and royalties. The requested increase includes mandatory pay-related and price level increases of \$.149 million.
- Copyright Royalty Judges Budget*: \$1.67 million in total, with \$.08 million to support mandatory pay-related and price level increases. \$.41 million (for non-personnel-related expenses) of the total request is offset by royalties. The remainder, \$1.26 million in appropriated dollars, is to cover the personnel-related expenses of the Judges and their staff.

FOCUS OF FUNDING REQUEST

The Copyright Office's funding request focuses on two key areas: (1) increased funding for IT modernization efforts; and (2) staffing for the Office's registration, public information, and legal services.

Copyright IT Modernization

The Copyright Office has dedicated itself to modernizing its systems and its administration of the Nation's copyright laws. Starting in 2011, the Office began a series of comprehensive and targeted efforts to understand and analyze its IT needs. The Office issued its *Priorities and Special Projects of the United States Copyright Office (October 2011–October 2013)*, which highlighted the need for technological upgrades. Following that kick-off, the Office undertook a comprehensive study of its technological capabilities and needs, which included extensive stakeholder feedback. The resultant 2015 *Report and Recommendations of the Technical Upgrades Special Project Team* acknowledged challenges with the current user experience and access to the public record, and offered recommendations for improvement. Then, based on congressional direction, the Office followed the initial report with a more detailed plan, 2016's *Provisional Information Technology Modernization Plan and Cost Analysis ("Provisional IT Plan")*, which provided concrete ideas about how to move the Office into the modern era.

Subsequent to the *Provisional IT Plan*, the Copyright Office and the Library engaged in extensive, collaborative efforts to identify resource-sharing opportunities that may be achievable through use of the Library's existing or planned future technology resources and support services. Significant progress has been made by both sides in assessing how capabilities can be leveraged to produce the most advantageous and cost effective results, and these collaborative efforts will be reflected in the Office's revised IT plan, which will be submitted later this summer in response to the Committee's request. To ensure the revised plan is as comprehensive as possible, the Office and the Library's Office of the Chief Information Officer (OCIO) have partnered in assembling a team of experts to identify gaps and opportunities in available technologies, shared services, and mutually-supportive strategies. The revised IT modernization plan will be a forwarding-thinking document that provides an enhanced roadmap for overall modernization efforts.

Currently, the Library is centralizing the IT functions of the business units, including the Office's IT functions. The Office is requesting fiscal year 2018 funds that were developed in coordination with the Library's Chief Information Officer to ensure alignment with the Library's overall IT strategy. The planning for a Library-led strategy for Office IT modernization is ongoing and is expected to result in additional funding requests in future years as these efforts progress. Since responsibilities will be bifurcated between the Library's OCIO, which has primary responsibility for infrastructure, project management, and other aspects of IT management, and the Office, which provides subject-matter expertise and manages mission-critical applications, future funding requests related to Office modernization will come from both the Library and the Office.

At the same time, the Copyright Office has been developing a comprehensive plan to modernize its recordation system, and has now reached the final year of planning and analysis activities to bring its recordation systems online. The Office has undertaken significant planning, releasing the Office's Kaminstein Scholar's 2015 report *Transforming Document Recordation at the United States Copyright Office*. By the close of the current fiscal year, the Office will have completed documenting business and technical requirements and related documentation needed for a future-state IT system to accommodate online filing and processing of copyright-related documents. Under the shared services protocol, the Office plans to deliver the completed package of planning documentation to the OCIO later this year so that development of the future-state system can begin in fiscal year 2018.

To significantly advance modernization goals, the Copyright Office is requesting \$3.6 million, comprised of fees and one-time budget requests, as referenced above. In addition to continued development of a recordation system, these additional funds will allow the Office to launch the first phase of development of a next-generation copyright registration system through a thorough, comprehensive analysis of business requirements. This phase will include requirements gathering, requirements validation, and system design sessions with various copyright industry and user group partners, as well as with Office staff, to ensure that the unique needs and specific requirements of the widest array of user groups are documented and ultimately incorporated into the new registration system. Moreover, the funding is necessary to mitigate identified risks and to ensure that the Office's existing legacy systems remain available and operational until functionality can be more permanently

addressed through the Office's and Library's joint modernization efforts. The requested funding also would allow for system monitoring to reduce the risk of system intrusion, proactively identify system issues before they occur, and provide for security enhancements that would evaluate the technical and non-technical security features of existing systems to ensure the systems meet mandated security requirements. The activities in this request are early-phase projects to be undertaken by the Office in what will be a multi-year modernization effort. As the Office and the Library work to deliver these improved technologies on behalf of customers and stakeholders, it is expected that additional requests for funding will be generated.

Copyright Office Staffing

The Copyright Office operates on a very modest budget while providing valuable services to the public at large, copyright owners, technology companies, and the Library itself. For quite some time, the Office has conducted this important work with very limited staff. The Office believes that additional staffing is critical in several core areas to address the expansion in the use of the Nation's copyright system, including the need for additional examination capacity and increased services to copyright stakeholders, and to address increasingly complex policy issues regarding Copyright Act interpretation and administration.

The staffing requests span several areas of the Copyright Office. *First*, the request seeks to add much-needed registration specialists. While the Office has hired specialists in recent years, they must undergo complex, extensive training in the legal examination of copyright applications to properly fulfill their job responsibilities. Thus, adding new registration specialists does not immediately result in reducing application processing times and, in fact, can appear to provide an increase in processing times due to existing specialists taking on training roles for the new employees instead of devoting all of their time to reviewing incoming claims. The Office's request thus seeks 15 additional registration specialists to provide necessary capacity to reduce turnaround times in the future, while providing for the ongoing training and quality control necessary to better manage workload spikes.

Second, the Copyright Office's request also aims to enhance other areas that support the administration of the copyright system. Specifically, the request would provide additional staff to the Office's small group of legal specialists, who must handle a steadily increasing workload as the copyright landscape evolves in both complexity and volume. Additional staff also would work in the Office's Public Information and Education division, allowing the Office to provide expanded service hours for its large community of West Coast customers.

The Copyright Office greatly appreciates the Committee's consideration of this request and ongoing support for the success of the Office and for the national copyright system.

PREPARED STATEMENT OF MARY B. MAZANEC, DIRECTOR, CONGRESSIONAL RESEARCH SERVICE

Mister Chairman, Ranking Member Murphy and Members of the subcommittee,

Thank you for the opportunity to present the fiscal year 2018 budget request for the Congressional Research Service (CRS) and to briefly describe to you the support we have provided the U.S. Congress this past year. As you know, the Service assists Congress by supporting its legislative, oversight, and representative functions. CRS provides objective, analytical research and information to all Members and committees through all stages of the legislative process. The Service assists in analyzing draft legislation, comparing policy proposals and options, and assessing the potential impacts of policy changes. It provides substantive written products, tailored confidential memoranda, issue-related seminars, and personal consultations and briefings. Moreover, CRS provides those services without advocacy or agenda.

In the last fiscal year, CRS served the Senate and House with support across a wide spectrum of complex and diverse issues. The Service received 563,000 requests for products and services from Members and committees, including more than 62,000 requests for custom research and analysis. CRS produced more than 3,600 new or updated products, published over 6,300 bill summaries on our website, and hosted seminars and other events for more than 9,200 congressional participants. In the last fiscal year and in the several years prior, CRS provided custom services to 100 percent of Senate and House member offices and standing committees.

FISCAL YEAR 2018 BUDGET REQUEST

The CRS budget request for fiscal year 2018 is \$119,489,000, with almost 90 percent devoted to staff pay and benefits. This request equitably balances the com-

peting goals of providing the comprehensive services mandated by statute, while recognizing the significant budget challenges facing Congress and the Nation as a whole.

BUDGET CHALLENGES

Over the past several fiscal years, CRS's staffing levels and purchasing power have been significantly diminished, while demand for CRS work has remained strong. CRS is committed to maintaining broad analytical expertise and flexibility to address both recurrent and emerging legislative issues. However, if the fiscal trajectory of recent years continues, CRS may not be able to sustain the level of service currently provided.

CRS's full-time equivalent (FTE) staffing levels since fiscal year 2010 have dropped by 13 percent, including an 8 percent reduction in analytical capacity. While CRS continues to hire analytical, research, and managerial staff, the Service is not able to replace staff on a one-to-one ratio. CRS has worked to contain costs, including prioritizing hiring research staff over other positions, and dividing congressional issue portfolios among remaining staff to maintain comprehensive coverage of legislative priorities. To streamline our infrastructure, in April we combined our workforce and finance offices into one Office of Administrative Operations.

Static budgets since fiscal year 2010 have also resulted in the erosion of CRS's purchasing power by almost 16 percent. CRS uses as many modern methodologies and technology platforms as available and affordable to increase its efficiency. However, diminishing purchasing power may affect CRS's ability to maintain current service levels.

Specifically, the Service anticipates that:

- the ability of CRS to conduct in-depth research and analysis will be adversely impacted as existing staffing gaps intensify, with the Service facing challenges acquiring necessary new expertise and retaining its invaluable cadre of experienced experts;
- the Service will not be able to effectively procure and utilize new technologies and thus will not be able to leverage the increasingly vast amount of data that could provide critical insight for congressional decisionmaking;
- areas of consistently heavy congressional demand, including education, healthcare, defense, and appropriations will increasingly be impaired by staffing constraints, and the timeliness of responses to requests and of updating research products may be compromised due to expanding staff workloads; and
- the Service's ability to effectively perform all of the functions required by statute may diminish.

FISCAL YEAR 2018 PROGRAMMATIC INCREASE REQUEST

CRS is requesting \$4.753 million in programmatic increases in fiscal 2018 in order to address ongoing challenges and to continue to provide the products and services expected by the Congress. This request includes \$753,000 to support eight not-to-exceed (NTEs) appointments to strengthen research capacity in areas of high congressional demand and \$4 million to support an Integrated Research and Information System (IRIS), a needed technology enhancement.

The majority of the requested funding increase would establish the Service's next-generation Integrated Research and Information System (IRIS). For fiscal 2018, CRS is requesting \$4 million be temporarily added to the base through fiscal 2022, for a 5-year investment of \$20 million, to modernize legacy IT systems. The current funding level only allows CRS to support operations and maintenance on its existing, aging systems. IRIS will leverage the latest advances in web based technologies to provide an agile and flexible infrastructure that will enable efficient, easy-to-use technologies for rapid deployment and use by CRS staff and Congress. IRIS will support Congress in four key areas: knowledge management; policy and data analysis; content creation; and product delivery. New tools and systems will allow for significant improvements including: enhanced personalization of content and alerts for congressional users; a more effective search engine with faceted search; and new content management and authoring systems, which will reduce staff time spent on administrative and production issues, thereby allowing for more staff time to focus on research, analysis, and consultative services for Congress. IRIS will also allow CRS to better capture, digitize, and catalog institutional memory, including work products and supporting materials, for future CRS staff.

CRS also plans to create eight new entry-level positions which would be recruited at the GS-11 pay level in NTE 3–5 year appointments. These positions would support our succession planning efforts by establishing a pool of qualified and available talent. Succession is a concern for the Service as 23 percent of CRS staff will be

retirement eligible in fiscal 2018. CRS is seeking two positions in each of the following high-demand areas: defense policy and budget; health policy; education policy; and budget and appropriations process.

LEGISLATIVE SUPPORT FOR THE CONGRESS

CRS supported Congress over the past fiscal year across all public policy issues. This support included examining the nature and extent of domestic and international issues facing Congress; identifying and assessing policy options; assisting with hearings on policy proposals and on implementation of policies; supporting congressional review of nominations and treaties; and providing products, briefings, and consultations to address pressing issues on the legislative agenda.

Selected highlights of our services are as follows.

Comprehensive Energy Legislation: Members of Congress from both chambers met in conference to negotiate major energy and natural resources legislation. CRS provided ongoing support for the conference process through in-person consultations, comparisons of bill sections, analysis of provisions, new reports, and updates.

Constitutional Law and CONAN: The role of the Constitution in shaping American society was a prominent issue in the 2016 election, and the death of Antonin Scalia raised the potential for significant changes to the future of constitutional interpretation by the Court. CRS attorneys provided guidance to lawmakers through a variety of formats, including efforts to prepare the decennial edition of the Senate Document, *The Constitution of the United States of America: Analysis and Interpretation (CONAN)*, presentation of seminars for the Federal Law Update series relating to constitutional law, the Court's criminal law cases, and the application of the Constitution's Supremacy Clause. In the wake of the death of Justice Scalia and the nomination of his successor, CRS attorneys wrote comprehensive reports to guide lawmakers with regard to the Supreme Court vacancy.

Defense Reform and the National Defense Authorization Act: CRS assisted lawmakers as they debated key provisions in the fiscal year 2017 National Defense Authorization Act, beginning with seminars for staff of both chambers on the President's defense budget request, often the first such overview and analysis available to Congress following the administration's initial budget presentation. CRS experts examined proposals related to reform of the Department of Defense. As the bill entered its conference phase, more than 60 CRS analysts prepared side-by-side comparisons of the more than 1,000 provisions in the Senate and House versions of the bill.

Environmental Law and Policy: In 2016, CRS analysts and attorneys assisted Congress by analyzing Senate and House amendments to the Toxic Substances Control Act. When the Environmental Protection Agency (EPA) issued its Clean Power Plan rule regulating emissions of greenhouse gases from existing fossil fuel-fired power plants in 2015, CRS analysts and attorneys briefed congressional requesters regarding the implications of the rule and provided written reports and memoranda.

Federal Aviation Administration: In fiscal year 2016 both the Senate and House addressed legislation to reauthorize civil aviation programs, encompassing everything from regulation of unmanned aircraft to subsidized air service to small communities. CRS responded to congressional requests for analysis as the two chambers considered provisions relating to aviation security, hiring of air traffic controllers, and maintenance of control towers at small airports.

International Law: CRS legislative attorneys provided research and analytical support through briefings and written products on a number of foreign affairs and international law issues, including the Paris Agreement made by parties to the United Nations Framework Convention on Climate Change, the Joint Comprehensive Plan of Action regarding Iran's nuclear program, resolutions issued by the United Nations Security Council, and various treaties submitted to the Senate for its advice and consent. The attorneys also researched the status of the settlement claims against Iran and assisted as Congress enacted the Justice Against Sponsors of Terrorism Act.

Transatlantic Trade and Investment Partnership and "Brexit": CRS worked with Congress on a major trade agreement as it entered its fourth year of negotiation, the U.S.-EU Transatlantic Trade and Investment Partnership (TTIP). CRS regularly updated Congress on the status of the negotiations, the priorities of the respective sides, and the outstanding issues that remained to be resolved before the agreement could be concluded. A related policy issue for Congress was the United Kingdom's decision to leave the European Union. CRS supported Congress as it expressed interest in the vote's outcomes, particularly the trade and economic implications. CRS helped Congress assess its impact on TTIP and on the potential future U.S.-UK free trade agreement.

Middle East Turmoil, Terrorism, and Instability: CRS provided Congress with in-depth analysis and authoritative information about ISIS and the international struggle against it and other terrorist groups in Iraq and Syria as well as Libya, Yemen, Egypt, and beyond the region to Europe and Asia. CRS analyzed a new Memorandum of Understanding between the United States and Israel aimed at enabling Israel to defend itself effectively in the midst of regional instability and Israel's continued concerns about threats from Iran. CRS also conducted detailed analysis of the failed July coup in Turkey.

Response to the Zika Outbreak: Analysts and attorneys across the Service reported on policy concerns affecting countries in Latin America and the Caribbean, as well as the United States and its territories. CRS helped Congress as it considered measures to fund Zika response efforts and assisted in understanding Zika funding requests in relation to the status of appropriated funds for the previous Ebola crisis. Congress repeatedly turned to CRS legal, policy, and budgetary experts as it deliberated an aid package to support domestic and international efforts to contain the outbreak.

MANAGEMENT INITIATIVES

CRS developed initiatives to optimize workflow, streamline operations, and enhance efficiency. Selected accomplishments are as follows.

Congress.gov Development

As part of the Library's multi-departmental team, CRS contributed to continuing development and daily operations of Congress.gov, which will replace two legacy legislative information systems with a single, modern system. CRS provided data analysis, subject matter expertise, consultation, system testing, user testing, coordination of data partner relationships, and support for congressional users and data partners. The Service also supports the use of the Congress-only LIS until equivalent capability is fully developed for Congress.gov. Accomplishments included the deployment of LIS-like quick searches for each of the Congress.gov collections and the initial implementation of an LIS-like advanced search.

Strategic Planning

CRS began implementing a new 5-year strategic plan for 2016 through 2020. Key goals of the plan include expanding the range of products and services in line with the needs of Congress across a diverse clientele, enhancing a dedicated professional workforce to deliver those services, and efficiently and effectively managing resources to ensure that the Service optimally executes its statutory mission. As part of that effort, CRS is comprehensively evaluating operations and research activities to leverage efficiencies and synergies. For example, as noted, CRS merged its workforce and finance operations. Furthermore, the Service continues to critically examine other facets of its operations to strategically allocate resources. CRS also launched new initiatives on workplace diversity and internal communications to strengthen employee engagement.

Information Technology Improvements

CRS is collaborating with the Library of Congress to consolidate IT operations and services, as appropriate. In parallel with that process, in the past fiscal year, the Service upgraded Mercury, its customer relationship management (CRM) system. CRS also redesigned parts of its website for Congress (CRS.gov) into a series of 23 new Issue Area pages, which better align with the issue portfolios found in congressional offices.

Product Enhancements

CRS launched a new infographic product on CRS.gov. Infographics are intended to present complex information without the need for an accompanying written product. The Service also continued work on geospatial analysis and mapping products to illustrate public policy data. CRS continues to explore additional product formats for presenting information and analysis in ways that meet congressional needs for authoritativeness, accuracy, and brevity. As part of this effort, the Service is developing one-page summaries of CRS reports that will be published as stand-alone products.

CONCLUSION

CRS continues to provide accurate, timely, objective, and nonpartisan research to the Senate and the House. However, CRS's ability to continue to provide comprehensive research and analysis across the spectrum of complex congressional issues may become increasingly challenging as the Service works to replace depart-

ing colleagues, to hire new staff in emerging areas, and to modernize information technology.

Thank you for your steadfast support of the Service's mission, and the trust you place in the Service. I look forward to working with you to ensure that CRS continues to robustly meet your needs in an increasingly complex and fast-paced legislative environment.

Senator LANKFORD. Thank you.
Mr. Ayers.

ARCHITECT OF THE CAPITOL

STATEMENT OF HON. STEPHEN T. AYERS, ARCHITECT OF THE CAPITOL

Mr. AYERS. Thank you, Chairman Lankford and Ranking Member Murphy.

I appreciate the opportunity today to present the Architect of the Capitol's budget for fiscal year 2018.

Our request of \$773 million dollars prioritizes the people and projects that are required to fulfill our mission to serve Congress and the Supreme Court, preserve America's Capitol and inspire memorable experiences for people that visit here from across the globe.

Over the last two decades, our footprint has increased substantially and today we operate and care for more than 17.4 million square feet of space across 36 different facilities and 570 acres of grounds. In fiscal year 2016, we hosted more than 4.5 million visitors from throughout the United States and around the world.

During this time, not only has the AOC kept up with, but we think we have staked a leadership role in, using innovative technology and addressing significant security challenges that face us.

AOC employees work around the clock to maintain our facilities to ensure the health and safety of those who visit and work on the Capitol campus each day. We could not successfully achieve our mission without the hard work, skill and commitment of our current team of more than 2,100 craftsmen and dedicated professionals.

Last year, Mr. Chairman, I promised your predecessor that 2016 would be a banner year for the AOC, and I am delighted to report that we delivered. The AOC successfully completed several high profile projects on time, on budget and with minimal disruption to our building occupants and visitors, including the completion of the Capitol dome restoration. And, as we have for more than 150 years, the AOC recently supported preparations for the Presidential Inauguration.

As substantial and historic as some of our recent accomplishments are, regular preventive maintenance is the best defense against the deterioration of our buildings, and the best defense against rising costs.

Budget constraints continue to slow our ability to perform regular inspections and routine maintenance that improve functionality and extend the lifespan of our infrastructure. We rely on temporary fixes that buy time, but are not enough to prevent conditions from worsening.

Our fiscal year 2018 request includes \$25 million in overdue operational increases to meet the demands of mandatory cost in-

creases and address critical repairs that reduce the risk of failures in the future.

Our request will provide the necessary resources for preventive maintenance, thereby avoiding costlier fixes to our infrastructure and slowing the growth of the \$1.55 billion in backlog of fire and life safety, and security improvement projects.

In addition, using our risk based prioritization process, we are requesting \$240 million in capital projects this year. Nearly 70 percent of this capital request is specifically for the repair or replacement of projects that are past due or for systems that are approaching the end of their useful life.

We are, again, requesting funds to replace obsolete chillers from the 1970s at the Capitol Power Plant to ensure safe and efficient air distribution across the Capitol campus.

Our efforts continue to eliminate water infiltration that has deteriorated the stone facades of so many of our buildings. We are requesting funding for the Russell Senate Office Building exterior envelope repair, as well as the renovation of the Senate underground garage, which will ensure those projects continue to progress on time and on budget.

We are also prioritizing security and resilience projects across the Capitol campus.

We are committed to driving down our injury rates, driving up energy efficiency and reducing costs at every opportunity. With your support, we can ensure that the Capitol campus is accessible to all and remains a vibrant display of our democracy.

Thank you.

[The statement follows:]

PREPARED STATEMENT OF HON. STEPHEN T. AYERS

Chairman Lankford, Ranking Member Murphy, and Members of the subcommittee, I appreciate the opportunity to present the Architect of the Capitol's (AOC) fiscal year 2018 budget. Our request of \$773 million prioritizes the people and projects required to fulfill our mission to serve Congress and the Supreme Court, preserve America's Capitol and inspire memorable experiences.

The AOC has a legacy that is rooted in the very beginnings of Washington, DC, with the laying of the U.S. Capitol cornerstone in 1793. As the country grew, so did the Capitol campus and with it the AOC's responsibilities. Today, we operate and care for more than 17.4 million square feet across 36 facilities and 570 acres of grounds.



ARCHITECT OF THE CAPITOL STEPHEN T. AYERS ANNOUNCING THE COMPLETION OF THE U.S. CAPITOL DOME RESTORATION PROJECT

In the last two decades, our footprint has increased substantially. Along with the sheer growth in size, the complexity of operating our facilities has changed significantly. The number of people that work here has grown, and the number of people that visit has skyrocketed. The Capitol campus is home to thousands of daily occupants and has hosted approximately 4.5 million visitors from throughout the U.S. and around the world in fiscal year 2016.

During this time, the AOC has not only kept up with, but staked a leadership role in using innovative technology and addressing significant security challenges all while driving down injury rates, driving up energy efficiency and reducing costs.

In 2016, we completed several high-profile projects on-time, within-budget and with minimal disruption to building occupants and visitors.

In the fall, we celebrated the once-in-a-generation restoration of the U.S. Capitol Dome and Rotunda. With the support of the Congress, hundreds of expert craftsmen worked day and night to restore the Dome to its original inspiring splendor.



GRANT MEMORIAL RESTORATION BEFORE AND AFTER

We also completed the initial phase of the work needed to preserve Union Square. In 2011, Congress transferred Union Square to the AOC and made the meticulous restoration of the Ulysses S. Grant Memorial a priority. Weather and time have not been kind to the memorial, and we are working to address safety issues and repair the most visibly deteriorated conditions throughout Union Square. The restoration

of the bronze components and marble pedestals of the Grant Memorial will once again allow all who visit to experience the power and majesty of the memorial.

In addition, we successfully completed the first phase of the Cannon Renewal project. On time and under budget, this phase included installing building utilities, primarily in the basement, and the moat area of the courtyard. This enables future work to connect to the new systems, minimizing shutdowns and disturbances.



STONE PRESERVATION AT THE U.S. CAPITOL BUILDING

Stone preservation across the Capitol campus remains a top priority for us, as nearly every building is enveloped in stone and all have significant problems. To address these stone issues across the campus takes a team of historic preservationists, structural engineers and stonemasons, among others. The men and women of the AOC are in a race against time as the infrastructure rapidly crumbles and deferred maintenance projects accumulate. While we face many challenges, we continue to successfully tackle this important issue. In 2016, we completed the first section of the U.S. Capitol Stone and Metal Preservation project. This multi-phased project is designed to extend the life expectancy of the deteriorated stone and to replace missing elements of the U.S. Capitol Building.



2017 PRESIDENTIAL INAUGURATION

And as we have for more than 150 years, the AOC recently supported preparations for the 58th Presidential Inauguration. We successfully constructed the inaugural platform, set up the necessary fencing, placed over 30,000 chairs on the grounds, procured the sound system and other support systems, installed the flags and bunting, and coordinated many other activities with the Joint Congressional Committee on Inaugural Ceremonies. We are extremely proud to have once again been part of this historic event.

IMMEASURABLE RESPONSIBILITY

As substantial and historic as some of our recent accomplishments are, they should not diminish the importance of our day-to-day duties. AOC employees work around the clock to maintain our facilities and ensure the health and safety of those who visit and work at the Capitol campus each day. Our fiscal year 2018 budget request of \$773 million includes funding increases to provide the regular, ongoing maintenance that is vital to protect our recent major investments. Regular preventive maintenance is the best defense against the enemy of deterioration by slowing the cycle of decline and helping guard against catastrophic failure and unsafe conditions. The most prudent, cost-effective investment we can make is to support adequate personnel and resources to perform regular inspections and routine maintenance that improve functionality and extend the life span of our infrastructure.

The demand of meeting mandatory cost increases is compromising our ability to fully execute these core functions. Budget constraints have slowed our ability to perform maintenance and, rather than purchasing needed parts and service throughout the year, we are relying on temporary fixes that buy time but are not enough to prevent conditions from worsening. Across campus, we must address a growing backlog of work that is needed to keep our heating, ventilation and air conditioning equipment and electrical systems operational. Plumbing inspections, carpentry work, general repairs and emergency repairs compete for limited resources. In recent years, we have successfully managed to balance competing needs and diminishing resources, but we are now faced with critical life cycle repairs and replacement requirements that must be met to reduce the risk of system failures.



PERFORMING ROUTINE MAINTENANCE IMPROVES THE SAFETY AND SECURITY OF OUR INFRASTRUCTURE

To address this, our request will provide resources necessary for preventative maintenance, thereby avoiding more costlier fixes to campus infrastructure and slowing the growth of the \$1.55 billion backlog in campus fire, life-safety and security improvement needs.

In addition, using the AOC's risk-based project prioritization process, we are recommending 21 Line Item Construction Program projects totaling \$240 million. Of this, \$166.4 million (or 69 percent) is specifically for projects classified as Deferred Maintenance (repair or replacement is past due, in some cases significantly) or Capital Renewal (approaching the end of useful life).



DETERIORATION OF THE RUSSELL SENATE OFFICE BUILDING EXTERIOR ENVELOPE

Our fiscal year 2018 request includes funding for the Russell Exterior Envelope Repair and Renovation project. The Russell Senate Office Building recently passed its 100th anniversary and is showing its age. This project mitigates life-safety hazards and reduces current maintenance and energy costs.

Preservation of the exterior stone, windows and doors at the U.S. Capitol and the U.S. Supreme Court are also underway. These projects will prolong the life expectancy and preserve the historic features of the buildings by preventing water and air infiltration, slowing deterioration of the stone and corrosion of the metals, repairing damage, and removing soil and stains.

And soon we will begin the Senate Underground Garage. Ensuring this critical project is fully funded will allow us to remain on-schedule and prevent continued deterioration that has jeopardized the garage structure and increased the risk of deteriorating concrete.



STORAGE MODULE AT THE LIBRARY OF CONGRESS FT. MEADE CAMPUS

Also, construction of Module 6 at the Library of Congress' book storage facility complex at Fort Meade, Maryland, will further accommodate the Library's expanding collections of books, manuscripts, prints, maps, cultural and other copyrighted materials. Without additional off-site storage, as the Library's collections in all formats grow, the current situation continues to deteriorate, exacerbating the already dangerous conditions with regard to life-safety, research and preservation.

We are also requesting funds in fiscal year 2018 for several safety and security projects that impact campus-wide services. At the Capitol Power Plant, the four existing cooling towers on the roof of the West Refrigeration Plant are more than 35 years old and beyond their useful life expectancy. The concrete associated with the cooling tower and other system components are continuously deteriorating, increasing potential for the towers to fail without warning.

Externally, and in close coordination with the Capitol Police Board, we are prioritizing security upgrades to the Capitol campus. We must replace vehicle barriers and kiosks that have reached the end of their intended life cycle. Additionally, an enhanced exterior security presence and upgraded building infrastructure are essential elements in support of the security mission of the U.S. Capitol Police.

Improvements are needed to address the long-term maintenance, preservation and restoration of Capitol Square, which encompasses the 56 acres of grounds surrounding the U.S. Capitol. The aging, antiquated and disorganized system of infrastructure above and below ground continues to increase the negative impacts on projects, further damages the Capitol Square grounds, and prevents effective planning for future initiatives.



PRESERVATION DAY CELEBRATION AT THE U.S. CAPITOL VISITOR CENTER

The AOC is dedicated to creating a safe, welcoming and inspiring experience for all who visit Capitol Hill. For many visitors, this may be their first and only time seeing the Nation's capital, and we work hard to ensure the experience is worthy of this working symbol of American democracy and freedom. The dedicated employees of the U.S. Capitol Visitor Center and the U.S. Botanic Garden work to enhance customer service, hospitality and visitor engagement in a seamless, cohesive and positive visitor experience. As a source for civic education, we must continue to grow our exhibit and education experiences to maintain the high level of quality visitors expect and to expand our reach to include online and virtual visitors to the U.S. Capitol.

CONCLUSION

The AOC's core values—integrity, professionalism, teamwork, safety and pride—drive our daily mission to serve Congress, the Supreme Court and the American people every day. From clearing snow after the January 2016 snow emergency, to coordinating Supreme Court Justice Antonin Scalia's lying-in-repose ceremony, to planning congressional office moves and supporting the 58th Presidential Inauguration, we strive to be a world-class organization providing superior service to our clients. The AOC's fiscal year 2018 budget request furthers our commitment to ensuring the Capitol campus is accessible to all and remains a vibrant display of our democracy.

Senator LANKFORD. Thank you very much.

With the ranking member's concurrence, what I think I would like to do is have a more open conversation and not worry so much about the clock, since it is the two of us. We may have some other members that will pop in and out.

I will address the questions initially to Dr. Hayden and then let us just swap back and forth. Then we will thoroughly grill Mr. Ayers from there, if that is all right with you. That will give you time to be prepared for that.

Mr. AYERS. Yes, sir.

LIBRARY'S INFORMATION TECHNOLOGY PLAN

Senator LANKFORD. Dr. Hayden, let me run through just a couple of things. Give me additional detail on the IT modernization plan, and the structure of that. Let us start with some basic things.

You have a data center relocation, if I remember correctly, in that. Talk me through that project, what that means, and the timing.

Why is this the right year to do that?

Dr. HAYDEN. Yes. The IT modernization, as you may know, has been a major challenge and priority for the Library for a number of years, the Government Accountability Office report as well as Inspector General's recommendations. There are three benchmarks in the Information Technology plan for the Library.

Number one is to stabilize the systems that exist; for instance, stop interruptions and outages. The second part would be to optimize, improving what we have already and what we can do with the legacy systems. And then one of the best parts is to modernize, making changes to the applications and making it better.

DATA CENTER MIGRATION

The need to move to a more secure and a technology infrastructure base, the computing center, will allow the Library to move from a Tier 1 to a Tier 3 environment. That will not only stabilize our operations as they exist, but also provide better security and better operational aspects.

For instance, at a Tier 1 facility that the Library currently occupies, it has a number of environmental challenges. By moving to another facility that is safely away from Capitol Hill—so you are migrating the physical operations to another location—you will then be able to have your security aspects in a format that will allow for cloud computing as well as physical. It will be both in the new computing. So that has started.

We have a timetable of being able to have the contract by this August for moving materials and equipment out of the existing facility to the new, and then by next year, being able to complete the move.

Senator LANKFORD. Let me ask a question. In the omnibus that we just passed for the rest of this fiscal year, we allocated \$20 million for that data center move.

Dr. HAYDEN. Yes.

Senator LANKFORD. The good news - bad news on it. Good news is we finally got the appropriations bills done and got that finished. Bad news, it is a very short window with just the rest of this year.

Do you feel confident that with that \$20 million you can go through the process of the contracting, getting it out, getting the bids, whatever is required to be able to manage that in a way that is a good use of funds rather than have to be in a hurry to try to be able to get that done?

Are you in a posture that you can use that effectively or is that about to rollover into next year?

Dr. HAYDEN. No, we are not.

And I say no like that emphatically because joining with me, and right behind me, is Mr. Bernard A. Barton, Jr., CIO, the first permanent CIO the Library has ever had.

The contract for beginning the initial stages of the move is being submitted as we speak—I just got an update on that yesterday—and will be awarded by mid-summer August before this fiscal year ends.

Then for fiscal year 2018, the initial phase of moving the equipment and the data to the Tier 3 environment will be completed. Then fiscal year 2019, everything will be completed to the Tier 3 environment. So in anticipation of a short period of time to let the contract, we are very hopefully getting things ready.

IT MODERNIZATION

Senator LANKFORD. By the time we get to 2019, do you anticipate that all of the Library's legacy systems, as you mentioned them, are gone and that we have the modernization done? Or will there still be legacy systems there even in 2019, excluding the card catalog, by the way, in the corner? The old pull drawer catalogs, that legacy system is to remain.

Dr. HAYDEN. And the card catalogs themselves physically still exist.

Senator LANKFORD. Yes, so they need to remain. But the computer screens with the orange monitor probably need to be modernized. So tell me what you expect in that modernization.

Dr. HAYDEN. Mr. Barton, we might want to bring him up just to clarify some of my general understanding, Mr. Barton reports directly to me now. That was one of the GAO recommendations and I get weekly updates.

My understanding is that there are some mission specific legacy systems that have not been totally transitioned. For instance, the request for IRIS is taking care of the CRS system that is at least 20-years old and needs to be updated.

We are looking at the copyright registration system, for instance, the Patent Office changeover and other similar types of processes that are automated. So we anticipate that we will be well on the way with most of the turn over for legacy systems. That is a major focus.

IT MODERNIZATION AFFECTING STAFF LEVELS

Senator LANKFORD. At the end of that time period, do you expect that we will need fewer FTEs, more, or the same based on that modernization?

Dr. HAYDEN. What is sometimes not always evident is the number of staff members might be the same, but they will be different types of positions as you move more into a more modernized IT environment. And so, we cannot predict right now exactly the difference in the number.

Sometimes there is a sense that if you increase the digital capacity that the human capital might decrease.

Senator LANKFORD. Right. Yes, and the Government Publishing Office has experienced that.

Dr. HAYDEN. Very much so.

Senator LANKFORD. They have done remarkable modernization over the last several years.

Dr. HAYDEN. Right.

Senator LANKFORD. And have also had a decrease in staff because of their modernization efforts.

Dr. HAYDEN. And that is something that you hope that there will be an opportunity to look at the number of staff that we have at the Library, of course.

For instance, with CRS, even if you have modern ways to communicate and serve Congress, still 90 percent of their budget is personnel because it is the human capital.

Senator LANKFORD. Right.

Dr. HAYDEN. So we will be looking at that balance.

Senator LANKFORD. Thank you. Let me reserve other questions.

ABSORBING BUDGET CUTS

Senator MURPHY. Thank you, Mr. Chairman.

I would like to come back to some of my opening remarks about the potential consequences from the massive budget cuts that could be coming. You are talking about a 3 percent cut if we do not adjust the budget caps and then potentially another 13 percent cut if the President's budget is put into effect.

And so, maybe I frame this in the context of a request that you have made, Dr. Hayden, for \$1.8 million to restore some basic custodial services inside the Library.

Dr. HAYDEN. Yes.

Senator MURPHY. Maybe you can talk about why that shortfall came about, but then maybe that is context to discuss what the impact would be of getting no additional funding to cover shortfalls like the one you have identified with respect to custodial services. But also then to have to endure 13 percent cuts to the overall budget.

What decisions would you have to make if the President's budget actually became law?

Dr. HAYDEN. Absorbing mandatory pay increases, and I mentioned that in the opening statement, and making sure that staff members at least have basic level of cost of living increases would have to be something that we would want to maintain.

Looking at innovative ways to address staff shortages is something that is actually covered in our CRS request for eight short-term junior analysts that could have flexible schedules.

CUSTODIAL SERVICES REQUEST

The deferred maintenance, the Architect mentioned what effect that has on the physical. It also affects things in terms of the Library with the custodial. And when you have collections, and you have people, and you have sensitive materials, custodial services are very important. The Library, in my review of the request, has had to make steady decreases in custodial services and over time that does have an impact.

So at the Library, we are all looking throughout the Library of where we can make those adjustments and what that impact might have.

Senator MURPHY. As you know, people have very strong feelings about the future of the Copyright Office.

Dr. HAYDEN. Yes.

COPYRIGHT MODERNIZATION

Senator MURPHY. And without getting into the details of the policy questions, one of the issues here is a backlog of over 300,000 workable claims on copyright registration.

I wonder if maybe you would talk about how the modernization effort that you are undergoing would affect the Copyright portion of the Library of Congress and whether some of that will address the backlog issue that we hear a lot about.

Dr. HAYDEN. In fact that has been, as I mentioned also in the opening statement, a major focus of mine is to not only Library-wide modernization, but in particular the two special units, Copyright and CRS, and with the processes of copyright registration and recordation, two different processes.

We are looking at making sure that we are able to modernize the legacy systems that Copyright uses as well as moving from as much paper-based parts of both processes that can be eliminated.

And so steps have been taken already that will allow people, for instance, to register for copyright basically through electronic means and also to reduce the time that it takes for examiners to determine if the copyright is feasible and what type of copyright. So there has been quite a bit of work.

I wanted to take this opportunity, if I may, to compliment Miss Karyn Temple Claggett, who has been Acting Register. She is right behind me. To thank her because she has really gotten in there, and pushed that effort along to try to address the backlogs and really make IT modernization happen sooner.

So there is a timeline, and Miss Claggett and Mr. Barton have been working closely together to make sure that in our IT modernization—and you will notice that Copyright is mentioned quite a bit in that—that we are taking advantage of technology as much as we can.

Senator MURPHY. Can the backlog be solved purely through technology or is there a personnel issue here that exists regardless of how fast you move technology?

Dr. HAYDEN. Well, there is in the request this year a number of staff that are requested to help with the backlog, and that is to address that. So there is still a human component.

And, in fact, when we look at the progress that has been made with Patent and Trademark, there are specific aspects of registering for copyright that require things like a wet signature. There are certain things that cannot, right now, be aided by technology as we look at the processes.

So some of that I mentioned the examiners. For instance, they go through a period of time depending on what is being submitted to be copyrighted. They have to determine is it a copyrightable item from wallpaper to books? Books, for instance, are much easier.

So the examiner, in being trained, that is the human capital part of determining and so that cannot necessarily translate into the technology taking over that part. But not having to have paper applications, being able to have certain formats submitted electroni-

cally would aid quite a bit, and being able to review things electronically.

So that is where we are looking. Where in the process can we modernize and use technology?

Senator MURPHY. Thank you.

Thank you, Mr. Chair.

Senator LANKFORD. Senator Van Hollen, would you like to ask questions of either of our guests?

CRS STAFFING LEVELS

Senator VAN HOLLEN. Thank you, Mr. Chairman.

It is great to join you and Senator Murphy. And welcome to both of you.

Dr. Hayden, we are very proud of you in the State of Maryland and your service at the Enoch Pratt Library System, and the modernization that you brought to that, and the efforts you had to bring digitizing. So thank you for taking those efforts to the Library of Congress.

I have a question with respect to the Congressional Research Service, which I think Members of Congress on a bipartisan basis agree is a really important service where your nonpartisan expert analysts provide information to Members of Congress.

In your budget, you note that staffing levels at CRS have declined by almost 12 percent since the year 2010. You are requesting \$745,000 for eight additional staff members.

Can you talk about the impact of declining staff at CRS on their ability to provide work requested by Congress, and exactly how you determine this need for an additional eight?

Dr. HAYDEN. Thank you for mentioning the decline in the staffing for CRS over at least a 10-year period. From an all time high of over 600 to now 580 or so that are a mixture of subject specialists, all types of staff members.

Ninety percent of the CRS budget is made up of the staff that I have often called "the special forces" for Congress; a topnotch research and reference group.

And so looking at how to keep up with and maintain that quality of service that CRS is known for from the basic answering of questions from staff and members as soon as possible, to producing in depth analysis and reports has been challenging.

The request is for eight junior analysts. We are looking also at succession planning in that they would have about a 3-year period to learn from other analysts, but be almost like SWAT teams.

So, for instance, if healthcare, when things are being discussed and needed by Congress that these people will be flexible. So that is one way of looking at, and trying to cover, and maintain the service.

The IT request for CRS that I talked about making sure they have the latest technology to be able to respond quickly to staff and to not have to spend their time, as they are doing now with this older system, working with the system, which does not provide for them. I have to just say it is clunky.

So here you have these analysts who are on these timeframes that are doing this and they are working with the technology system that is 20-years old. We want to at least erase that and that

is an instance of technology helping the humans to do their work and making it faster.

So those are the types of things that CRS is trying to do. They work 24 hours a day. They are, I would say, really dedicated.

Senator VAN HOLLEN. I want to thank you. In my experience, the quality of their work has been really great.

Mr. Ayers, first I want to thank you for the way you and your team came together after the tragic death of Matthew McClanahan. For my colleagues, we had a Marylander working for the Architect of the Capitol who, as you know, was tragically killed. I just want to thank you for being there to support the family and really the entire Architect of the Capitol family coming together after that tragedy. Thank you for that.

Mr. AYERS. Thank you. Thank you for being part of that.

HARRIET TUBMAN STATUE

Senator VAN HOLLEN. Please keep us posted on how the family is doing.

So you may not be aware of this yet, but my staff has been talking to some of the folks in your office about the possibility on the horizon of the State of Maryland donating a statue of Harriet Tubman, a great Marylander, a great American, to the Library of Congress.

The State of Maryland has created an official State commission for the purpose of donating such a statue to the Capitol. All the fundraising is going to be done by the State commission. They are willing to work with you, the Architect of the Capitol and the Joint Committee on the Library, to ensure that we follow the regular process and that whatever is produced fits here in the Capitol.

I have introduced legislation to authorize Congress to accept the statue and I understand if you have not had a chance to look at that. But I wanted to put that on your radar, if it is not already, and just ask if you would continue to work with me and have your team continue to work with my staff as we advance that process.

Mr. AYERS. I would be happy to. Thank you, Senator. I look forward to working with you on that.

RUSSELL SENATE OFFICE BUILDING

Senator VAN HOLLEN. Great. It is a work in progress; literally.

The last thing I just wanted to ask you about was the state of the Russell Senate Office Building. As a member who represents a lot of people who work in the Capitol and its offices, as you know, there has been an ongoing issue with respect to the Russell Senate Office Building. Thank you for working on the exterior.

There is an ongoing issue with respect to the resolution of Citation 19.

If you could, just provide us a brief update. And if you want to provide a lengthier response in writing, feel free to do that.

Mr. AYERS. I would be happy to. I would be happy to do both. [The information follows:]

June 27, 2017

The Honorable Chris Van Hollen
United States Senate
Washington, DC 20510

Dear Senator Van Hollen:

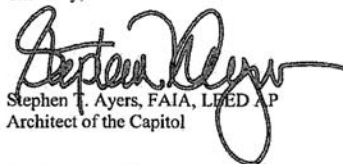
I am writing to follow up on our discussion during the June 7, 2017, Subcommittee on the Legislative Branch hearing to review the Architect of the Capitol's (AOC) Fiscal Year 2018 budget request. You requested an update on the AOC's efforts to resolve Citation 19, and I would like to expand on the answer I provided during the hearing.

The Office of Compliance's (OOC) original citation required that the AOC enclose the interior exit stairwells in the historic Russell Senate Office Building. To balance life safety requirements with historic preservation goals, the AOC worked with the OOC to pursue alternative compliance approaches that did not require enclosing the stairwells. We convened a Blue-Ribbon Panel of experts in fire protection engineering and historic preservation to determine appropriate means of citation abatement. The AOC also completed other construction projects to improve life safety in the Russell Senate Office Building. However, these efforts did not achieve abatement of the citation.

In 2012, the OOC amended Citation 19 and clarified the requirements for closing out the citation. We have been working with the OOC and a third-party industry expert to find the right set of solutions that balance both life safety and building preservation. We believe we have a mutually-agreed upon path forward and are working to develop a budget and timeline to complete the necessary work. Once the OOC accepts our plan, we will submit requests for funding.

I appreciate your interest in this issue and your support in ensuring we have the resources we need to successfully meet our mission. If you have additional questions, please feel free to contact Senate Office Buildings Superintendent Takis Tzamaras at 202.224.2021 or ttzamaras@aac.gov.

Sincerely,


Stephen T. Ayers, FAIA, LEED AP
Architect of the Capitol

Doc. No. 170622-02-01

Mr. AYERS. Citation 19 from the Office of Compliance requires a number of fire and life safety upgrades to the Russell Senate Office Building. We have been working with them, and a variety of consultants and blue ribbon panels, to find the right set of solutions that balance both life safety, as well as preservation of this beautiful gem of a building.

We think now we have reached that solution with the Office of Compliance. We do have a verbal agreement on exactly what needs to be done.

We are working on developing a budget and a timeline for the 11 Work Elements that need to happen to close out that citation. We will present that to the Office of Compliance. I am quite sure they will accept it.

Then we will need to come before the subcommittee to request money on some of those work elements at some point in the future. Senator VAN HOLLEN. Great. Thank you.

Mr. AYERS. You are welcome.

Senator VAN HOLLEN. Thank you, Mr. Chairman.

Senator LANKFORD. Before we move on to other areas with the Architect of the Capitol, I want to be able to come back to a couple of issues still with the Library. So we are not done yet.

You and I have spoken before about the employee dispute resolution process.

Dr. HAYDEN. Yes.

EMPLOYEE DISPUTE RESOLUTION

Senator LANKFORD. And that previously, this committee and subcommittee had made some requests. There was a pilot program for employee dispute resolution, however those pilot programs were not effective.

I would like to know what the considerations and thoughts are out there for employee resolution and if you are aware of any current complaints in the system?

Dr. HAYDEN. One of the aspects of my early tenure was to establish regular meetings and communication with the Library's three unions. They were very involved with reviewing the aspect of employee dispute resolution that would include interactions with the Office of Compliance.

So in terms of should there be a pilot on that, they were very involved with looking at and comparing the pretty robust system that the Library has for employee conflict resolution.

They were satisfied and that we were able to provide opportunities for staff members to have effective resolution. So that I take literally their temperature on that, almost on a constant basis, but there are meetings with them to see.

I have had a number, for instance, of employee open houses. I have a regular "Coffee with Carla," which is kind of a behind the scenes just me and all types of staff members. I learn a lot at those coffees, but to really make sure that we have an opportunity. We have, of course, at the Library the EEOC officer and things like that.

Senator LANKFORD. So current practice right now, employees can either go through the current Library conflict resolution process or they can go to the Office of Compliance, either one, and they pick which direction they want to go?

Dr. HAYDEN. Most of the employees—from what I understand our H.R. director and the unions themselves—see the Library's process of conflict resolution to be an option for most of the employees.

Senator LANKFORD. Right. Which I would assume would work. What I am trying to say is they can right now go the other route if they choose.

Dr. HAYDEN. No, and they also have the opportunity to go outside in terms of Federal court or other mechanisms if they want. So they have those options.

[CLERK'S NOTE: This response was updated by the Librarian of Congress to reflect the correct information regarding employee dispute resolution.]

[The information follows:]

EMPLOYEE DISPUTE CLARIFICATION

The Library would like to clarify the response provided during Senator Lankford's questions about the ability of Library employees to file disputes with the Office of Compliance.

Library employees have the right to file *certain* claims with the Office of Compliance. Specifically, a Library employee may file a claim with the Office of Compliance alleging a violation of the following laws: 1) the Uniformed Services Employment and Reemployment Rights Act (USERRA); 2) the Occupational Safety and Health Act of 1970 (OSHA); 3) the Employee Polygraph Protection Act of 1988 (EPPA); and 4) the Worker Adjustment and Retraining Notification Act (WARN).

On the other hand, claims of discrimination arising under Title VII of the Civil Rights Act of 1964 (Title VII), the Age Discrimination in Employment Act of 1967 (ADEA), or the Americans with Disabilities Act of 1990 (ADA), must be filed as an EEO complaint with the Library's Office of Equal Employment Opportunity/Diversity Programs (EEO/DP), or as a grievance with the Library's Office of Workforce Management. If an employee files an EEO complaint with the Library's EEO/DP, the employee also has the right to pursue that claim in federal court. Discrimination claims cannot be filed with the Office of Compliance.

All Library employees can use the Library's dispute resolution center to address any workplace concern, including claims of discrimination.

Comparison of LC and OOC Process for Resolving Discrimination Claims

	LC	OOC
0 Incident	<ul style="list-style-type: none"> Employee has 45 days to bring incident to LC attention. (Same time period as Executive Branch.) 	<ul style="list-style-type: none"> Employee has 180 days to bring incident to OOC attention.
1 Informal Complaint Stage	<ul style="list-style-type: none"> Employee brings informal complaint to LC EEO/DP. May request counseling or dispute resolution. Counseling – LC EEO/DP staffer interviews affected parties. Facilitates resolution where possible. Dispute resolution – LC EEO/DP staffer mediates between employee & supervisor. 	<ul style="list-style-type: none"> Employee brings informal complaint to OOC. Counseling – OOC staffer interviews affected parties. Recommends resolution or dismissal.
2 Formal Complaint Stage	<ul style="list-style-type: none"> Employee files formal complaint. LC EEO/DP conducts investigation to discover & document the facts of the incident. EEO/DP Chief reviews investigative report & makes decision. -- Employee may request reconsideration. If no resolution, employee must get Final Agency Decision (FAD) before filing in District Court. Employee gets FAD after a hearing, by requesting FAD without hearing, or if no FAD 180 days after filing date. 	<ul style="list-style-type: none"> Employee files formal complaint. Required mediation – OOC staffer mediates between employee & LC. If no resolution, employee has “exhausted” administrative remedies & may file in District Court or may request hearing.
3 Administrative Hearing	<ul style="list-style-type: none"> Employee requests hearing. LC & employee jointly select hearing examiner (HE) from list provided by Federal Mediation & Conciliation Service (FMCS). LC OGC contracts with selected HE. FMCS HE conducts hearing. -- LC OGC represents LC; employee usually has personal attorney or representative. -- No discovery. Use investigative report. -- Live testimony. 	<ul style="list-style-type: none"> Employee requests hearing. OOC assigns hearing examiner. OOC HE conducts hearing. -- LC OGC represents LC; employee usually has personal attorney or representative. -- Discovery. (No investigative report.) -- Live testimony.

7/03/17

	LC	OOO
	<ul style="list-style-type: none"> • HE issues recommended decision. • Librarian issues Final Agency Decision (FAD) – adopting or rejecting HE's recommendation. • Employee has “exhausted” administrative remedies & may file in District Court. 	<ul style="list-style-type: none"> • OOO HE issues decision. • Employee or LC may appeal to OOO Board of Directors. Board issues final decision. • Employee or LC may file appeal in Court of Appeals for the Federal Circuit.
4 Federal Court Stage	<ul style="list-style-type: none"> • Employee dissatisfied with results of hearing/FAD, stage 3. • Employee files in District Court. -- LC represented by DOJ; employee usually represented by personal attorney. • Employee or LC dissatisfied with District Court decision. • Employee or LC appeals to Court of Appeals for the District of Columbia. -- LC represented by DOJ; employee usually represented by personal attorney. 	<ul style="list-style-type: none"> • Employee dissatisfied with results of mediation, stage 2. • Employee files in District Court. -- LC represented by DOJ; employee usually represented by personal attorney. • Employee or LC dissatisfied with District Court decision. • Employee or LC appeals to Court of Appeals for the District of Columbia. -- LC represented by DOJ; employee usually represented by personal attorney. <p>OR</p> <ul style="list-style-type: none"> • Employee or LC dissatisfied with results of hearing & OOO Board final decision, stage 4 • Employee or LC appeals to Court of Appeals for the Federal Circuit. -- LC represented by DOJ; employee usually represented by personal attorney.

LC & employee may settle a complaint at any stage, in either process.

7/03/17

LIBRARY'S LEGISLATIVE LANGUAGE PROPOSALS

Senator LANKFORD. You made three legislative language proposals and I want to just ask you quickly about those as well.

One allows the Library to be reimbursed for services that it already provides including storage, exhibit and training fees.

Another proposal is for the Library to accept gifts beyond the monetary gifts currently authorized.

And a third one deals with allowing the Copyright Office to continue to function even during a Government shutdown. Senator Murphy and I are going to work together to make sure there are

no Government shutdowns any more, but if there is a Government shutdown, this allows the Office to operate much as the Patent and Trademark Office does.

Do you want to make comments about any of the three of those?

Dr. HAYDEN. Yes. Basically all three are designed to make sure the Library has some flexibility in terms of, for instance, the Copyright Office, that request to use at least 20 percent to make sure that that registration process and their operations could continue in the event of any type of Government interruption.

The other two allow the Library to be reimbursed and cover basic costs for loaning out exhibits, some of the services that they provide that there is a mechanism that they can at least cover the basic costs.

Being able to accept gifts in kind, one way that the Library might be able to meet some of the fiscal challenges that might lie ahead is to be able to accept some gifts in kind in terms of equipment or other things that will help quite a bit.

So it is about recouping basic costs, not over, but just the things that we already do and to have some flexibility for gifts and then operations.

Senator LANKFORD. We have spoken about that before and I do not see an initial issue. Obviously, we have to work out the accountability portion and the transparency portion of that as well.

Dr. HAYDEN. Right.

Senator LANKFORD. Because at the end of the day, the donors also want to know the transparency portion of it, as well as the transparency of this subcommittee——

Dr. HAYDEN. Very much so.

Senator LANKFORD [continuing]. And the appropriated dollars and how that fits in.

REFRIGERATION PLANT REVITALIZATION

Mr. Ayers, can we talk a little bit about the power plant chiller system replacement? Since it is June and August is quickly coming, and we are all aware of what August and July feels like in DC.

Talk a little bit about the process, where we are right now, time periods, phases, and such.

Mr. AYERS. I would be happy to.

We have nine electric driven chillers at the Capitol Power Plant and they make chilled water that is sent out through several miles of underground tunnels to all of our buildings and others. That is what we use to air condition our buildings.

We have developed a project to modernize the refrigeration plant. We have, with your support, received funding to date to replace several of those chillers. We received partial funding in 2016 to move onto the next phase, which are two additional chillers that date back to the 1970s. In fiscal year 2018, you will see the remainder of that phase. If that is funded in fiscal year 2018, we will be able to execute that subsequent phase and replace those two chillers.

Senator LANKFORD. Okay. Walk me through what happens if that is not funded in 2018.

What does that mean if that gets pushed back to 2019?

Mr. AYERS. Well, for us, it is all about mitigating risk. Today, as we go to operate these chillers because you need additional capacity for chilled water. Your buildings are calling for it.

You push the start button and that chiller does not start. Then you have to begin shedding load in other portions of your buildings, and prioritize where you can send chilled water, what places you can air condition and what places can you trim the load.

It increases our risk to not be able to provide a comfortable working space for the Congress, the Library, the Supreme Court, the Capitol Police and others.

DATA CENTER RELOCATION

Senator LANKFORD. All right. You are also dealing with data center relocation efforts. Tell me about the status on that, and time periods, and end of the year funding this year versus next year, and how that effort is going.

Mr. AYERS. In our 2017 budget, we did put in money to move to the same data center Dr. Hayden was speaking of. But we have reconsidered that and brought in a consultant to help us develop a business case, what we are calling a sense of reality to who we are and what our IT system needs really are.

We have an IT system of 10 racks. By the end of this year, we think it will be down to 6 racks. That is a tiny IT system.

Senator LANKFORD. Right.

Mr. AYERS. We have one of those here on Capitol Hill, and a completely redundant system in Virginia. They are active-active. When one goes down, the other one picks up. You could not tell the difference whether you are working from Virginia or working from here on Capitol Hill at any given time.

We do not think we need to move to a Tier 3 data center. We just do not have that kind of need. We think we need to move to a local data center.

We have also looked at moving to the cloud, which would cost us about \$4 million a year. We think moving to a local data center where we will lease space among many others will cost us \$1.2 million or \$1.3 million a year and that is completely sufficient for our needs.

I would also offer that we have a complete backup of our system in California that we have recently tested. If all of our data systems go down, we will be able to restore them with our backup system in California. We may lose a day of data, but we just do not have the intensity or the risk that many of our legislative branch partners that serve you and the House of Representatives do.

We think a much more reasonable approach is adequate for us.

Senator LANKFORD. Do you feel confident in the security protocols in each of those three locations, California, Virginia, and here?

Mr. AYERS. We do, absolutely.

CAPITOL BUILDING SMOKE CONTROL SYSTEM

Senator LANKFORD. Okay. Let me ask one other quick question dealing with the smoke control system. Currently, you are in the process now of preparing for that testing.

I have noticed, as I walk through the Capitol building, there are quite a few statues and paintings that have plastic all over them.

Tell me about any updates on that project, and the timing for completion. Are we on track?

Mr. AYERS. I would be happy to.

It is an interesting project. You look at the grand stairs on the east and west end of the Senate Chamber, and the grand stairs on the east and west end of the House Chamber. These grand stairs are really smoke chimneys and today's building codes would prevent you from designing a grand staircase like that. In fact, it would enclose it with doorways so that when you enter in a stairway, you are free from smoke. We do not want to install doorways that would limit those beautiful and grand spaces.

An alternative approach to that is providing an air movement system that will clear out the smoke in those stairs in the event of a significant fire, evacuate the smoke to allow people to exit the building in sufficient time.

The system it is in, installed, and has been tested and run. But to fully commission it, we need a very specific temperature and humidity range so that we can run the air through that system.

We have been waiting for that temperature and humidity sweet spot since May 1 and we have not hit it yet. My sense is we are likely not to hit it until the fall. If we get lucky, we will commission the systems earlier. I suspect we are not going to be that fortunate.

Instead, we will take the plastic off of the artwork and all of the statues, and wait until the fall to fully commission the system. But it will be operational in the meantime.

Senator LANKFORD. We have not had a problem with smoke and fire in the Capitol before, have we?

Mr. AYERS. Yes, sir. Once or twice over the years.

Senator LANKFORD. We should maybe just station the Capitol police and have them watch out for the British on the outside of the building and have that as an extra protection as well.

RESTAURANT ASSOCIATES

Let me move to Senator Murphy.

Senator MURPHY. Thank you very much, Mr. Chairman.

Mr. Ayers, I want to talk to you about Restaurant Associates. I wanted to get an update from you on AOC's oversight of the contract.

Last summer, as everyone here undoubtedly knows, Restaurant Associates paid nearly \$1 million back pay to more than 600 current and former employees, and they are dealing with the consequences of that at the Department of Labor department proceeding at the top of that list.

Last September, you wrote my predecessor, Senator Schatz, committing to some specific steps to improve oversight of Restaurant Associates. You committed to assigning additional AOC staff to oversee them, conducting regular audits, providing training on how to oversee this contract, and improving communications with the employees.

Can you just give a general update on the implementation of the steps that you committed to in that letter?

Mr. AYERS. Yes, sir.

We have hired additional staff to provide that kind of oversight, and we do weekly audits on wage compliance. We review payroll

documents weekly. We look at the overtime numbers weekly. We look at super wages weekly. All of that is regularly happening today.

We brief our congressional stakeholders on that once a month. We are working closely with the Department of Labor and Restaurant Associates. All of that is happening. We have also provided training. Restaurant Associates has stayed in compliance with their commitment to the Department of Labor. We watch them very carefully on an ongoing basis and they, too, are in compliance with their commitments.

Everything is going well at the moment.

Senator MURPHY. And then changes with respect to improving communication with the Restaurant Associates employees. Obviously, we only found out about this problem through communication with the employees who let us know about the reclassification.

Have we taken steps to improve that dialogue?

Mr. AYERS. We have, indeed, and Restaurant Associates has brought in a bilingual H.R. manager that works full time to help address these issues as well.

DEFERRED MAINTENANCE

Senator MURPHY. In the vein of the question I asked Dr. Hayden about the impact of a potential 13 or 15 percent budget cut, might I ask you to just make the case against deferring maintenance and deferring some of these big projects to maybe find an example of a project whereby waiting ends up costing you more?

You are asking for your backlog to be addressed, which will be hard to do even if we are able to push back on the 13 or 15 percent cuts that are proposed either by budget caps or the President's budget.

But just maybe help us understand what happens when you just push off these projects for 5, 10, 20 years?

Mr. AYERS. I think Dr. Hayden was right in her response to that question that with 5 or 6 years of flat budgets—as she pointed out and I would certainly agree—that a flat budget is a cut.

We have approximately 3 to 5 percent of our payroll budget that goes to COLAs, mandatory price increases and inflationary increases for construction materials. A flat budget is a cut and we have had that for several years now as part of sequestration.

The net result of this are fewer people and fewer materials that enable us to do the day to day maintenance, such as repairs to our HVAC systems. There are fewer electricians here than there were before to make these 36 buildings operate efficiently.

Less maintenance is going to increase the failure rate of our mechanical systems, our steam systems, our air conditioning systems. They are going to fail sooner than they would without the right day to day maintenance activities. Our bill is going to be bigger than it would have otherwise.

I think the best investment that we can make is fully funding the day to day maintenance so that we can stave off the costs as long as we possibly can.

IMPORTANCE OF HISTORIC PRESERVATION

Senator MURPHY. Lastly, on your list of capital projects, you have to balance life and safety needs against projects that have more of an historic preservation focus.

You know of my interest in historic preservation. We have been working together on restoring an important piece of sculpture in the center of the Hart atrium. I am a believer that there is importance and impact in the history of this building and that that has to be part and parcel of what we help to fund.

Just make the case, because we could spend all of our money on the stuff behind the scenes. But this is one of the world's great campuses, and one of the world's great buildings. It brings millions of people to Washington every year that spend lots of money in and around the building.

Just make the case for why we should be allocating funding for historic preservation side by side with the absolutely critical funding that we provide for life and health safety.

Mr. AYERS. I will make two points on this issue.

The first is you speak about the millions of people from around the world that come here. Just for us at the United States Botanic Garden and the Capitol Visitor Center combined, it was 3.4 million people last year.

But what we talk about is that if we make those experiences right and inspire them, it is not just 3.4 million because they go back home to Connecticut or Oklahoma and tell others. We talk often about how to get the ripple effect about what we do here.

My point there is that it has a very big impact, not just locally but nationally and internationally.

Second, as evidence of that, when we restored the Capitol dome, you would have thought that we would have received negative feedback about taking on a project of nearly \$100 million. Instead, we received hundreds, if not thousands of letters and emails from people across the country and across the globe about the importance of that work, the importance of saving our symbol of democracy, how important it was to them. I was so surprised by that. We have never undertaken a project that received that kind of public feedback.

There is a genuine interest, a deep rooted interest by the people across this country about these beautiful treasures that we have the opportunity to oversee.

Senator MURPHY. You did pretty well on "60 Minutes".

Mr. AYERS. Thank you.

Senator MURPHY. Thank you, Mr. Chairman.

FISCAL YEAR 2018 BUDGET OVERVIEW

Senator LANKFORD. Senator Kennedy.

Senator KENNEDY. Thank you, Mr. Chairman.

What title should I call you, Mr. Architect? Is it Dr. Ayers?

Mr. AYERS. That would be great. Yes.

Senator KENNEDY. Mr. Architect.

Mr. AYERS. Thank you, Senator.

EMOTIONS OF BUDGET CLIMATE

Senator KENNEDY. And Dr. Hayden, I am sorry I was late. I was in another committee.

I do want to compliment you on the dome renovation. It is absolutely extraordinary.

Are you generally happy with your budget or unhappy, Dr. Hayden?

Dr. HAYDEN. The fiscal year 2018 allows the Library to continue the progress. I thanked the committee, the subcommittee, earlier for the fiscal year 2017 appropriation. That has allowed us to move forward with modernizing the information technology infrastructure. The commitment of this subcommittee in particular to, at least, ensure that that modernization effort continues is critical to the Library being able to move forward.

When I was confirmed, and part of what I talked about, was being able to modernize this treasure—

Senator KENNEDY. Yes, Ma'am.

Dr. HAYDEN [continuing]. That the Library has. So the fiscal year 2018 request allows us to continue to modernize.

Senator KENNEDY. Yes. But are you happy with it or unhappy?

Dr. HAYDEN. Actually, when you ask about my happiness level, I have to couch it in the fact that I have been very heartened and—I mentioned earlier—inspired by this opportunity to open up America's treasure chest. We talk about that. And so I continually am gratified with working with this staff and the resources.

Senator KENNEDY. Can you make your budget work, I guess, is what I am trying to get to?

Dr. HAYDEN. We can make it work.

Senator KENNEDY. Okay.

Dr. HAYDEN. The staff, and the prior appropriations, and what we are requesting this year are very reasonable, and would be able to allow us to move forward.

Senator KENNEDY. I appreciate that attitude. It is very rare in this place.

Dr. HAYDEN. I am a librarian.

Senator KENNEDY. Thank you for that. Thank you for your positive attitude, Dr. Hayden.

Mr. Ayers, can you make your budget work?

Mr. AYERS. Absolutely, and we are specialists in that.

But I can, if I may, take the opportunity to answer your first question.

Senator KENNEDY. Please. Please do.

Mr. AYERS. I can sit here and tell you that I am unhappy with my budget, and I can recall just 2 or 3 months ago sitting with my team as we prepared this budget.

I have a 30 percent increase that I presented to you today, and my team said, "Mr. Ayers, they are going to kick you out of the room." And I said, "Well, they are going to have to do that."

This is the budget that we think we need. We have a responsibility to request it. You have a responsibility to make the important decisions and then we have a responsibility to make it work. And that is exactly what we will do.

Senator KENNEDY. I appreciate that candid answer. I mean, you both know the problem we have. Some people want to ignore it. Some people want to just pretend we can just keep borrowing and a lot of that is politics.

I am new to the Senate, but I have been in politics for a while. When you say yes every time, people vote for you, but that is not leadership.

Then you know the problem we have. We have a \$20 trillion debt and we got that debt. It is accumulated deficits. We got the annual deficits because we spend more than we take in and then we borrow money to fill the hole.

I do not know how it works in your household, but I cannot do that in my household and most Americans cannot. In fact, every State has to balance its budget. You can do it for a while. I can probably survive and my family, I do not know, 5 or 6 months if I just took the credit card every month, and just kept charging on it, buy anything I want until I hit the limit. Go get a new card, hit the limit. Go get a new card. But at some point, I cannot do it anymore.

To be brutally honest, the only difference between this place and a drunken sailor is that a drunken sailor stops spending when he runs out of money. And we do not.

The only way I know to do it in a way that serves most Americans is to tell them the truth and say to them, "We have a certain amount of money and so, we are going to have to prioritize."

Now it might be that the Library of Congress and the buildings, the beautiful buildings, that you are in charge of, Mr. Ayers, and do just a wonderful job managing, it may be that they are right at the top of the list. But every body cannot be at the top of the list and that is what I hope we are going to be struggling with. I do not want to struggle with any of this. I wish we had unlimited funds, but we do not.

If we keep going at the rate we are going, and criticizing people because they are trying to help us live within their means as if they are some mean, bad person who does not care about their fellow Americans. It is not productive and that is what this is about.

That is why I ask you. It was not a fair question. I should not have said happy or unhappy. I do not blame you. I want to hear exactly what you think about your budget, but I also want to work with you constructively as long as I am in the Senate on how we can help you get what you need with the understanding that we have a lot of other needs. We just cannot continue to do what we are doing.

It is great politics for some because a lot of the people that are doing all the spending will not be here to have to answer when the bills come due. But my children will be here and your children and grandchildren.

So thank you both for your spirit. Thank you.

FACILITIES MAINTENANCE

Senator LANKFORD. Mr. Ayers, let me ask one more quick question.

The increase that you put in, and we did not throw you out of the room with a 30 percent increase. I agree with your perspective.

You have the responsibility to bring to us what you think is needed. We have the responsibility to make the decision. We get that role, but let me ask a clarification.

The \$7.5 million of your increase was for facilities maintenance. Help me understand that more. What needs to be done that is not being done on facilities maintenance that would be \$7.5 million in additional need?

Mr. AYERS. It really stems back, Mr. Chairman, to the last 5 or 6 years of essentially flat budgets. We have been forced to realign maintenance money to ensure we have adequate personnel to do the work. We think the most important assets we have are our employees that do the work day in and day out.

We have had to realign funds year after year to support our existing payroll needs and that has left a deficit of about \$7.5 million in maintenance money. It results in fewer materials and supplies that are necessary to undertake the growing list of maintenance work.

Senator LANKFORD. Is this work that is undone, or is this people, or things that you have put in storage to maintain? I am trying to figure out if that \$7.5 million was——

Mr. AYERS. It is all of that.

Senator LANKFORD. Is this some of the contract folks or some of the people that you have that are on call?

Mr. AYERS. It is primarily in-house employees that we have been unable to replace. Also, materials and the ability to repair air conditioning equipment, plumbing equipment, heating equipment because of the lack of supplies and the lack of materials. We have had to realign that money to keep our employees instead.

COLLECTION STORAGE MODULE 6

Senator LANKFORD. All right. That makes sense. Great.

Any other questions you have, Senator Murphy?

Any other statements you all need to make? You have lots of pictures you did not get a chance to show, so I want to make sure that you get a chance to get out anything that you need us to see.

Mr. AYERS. I would be happy to share some with you.

Senator LANKFORD. Whatever you need us to see, otherwise, I am about to read a closing statement. So if there is something else you need to be able to show us.

Mr. AYERS. Well, Dr. Hayden and I will do one together and that is this one.



FT. MEADE COLLECTION STORAGE MODULES

Dr. HAYDEN. This is to address the Library's storage, and continuing storage, and preservation needs. And you see books on the floor very nicely stacked, but definitely on the floor. The support of Congress to provide the Library with continuing storage and preservation capacity is essential.

Mr. AYERS. This is the reason that we are doing Fort Mead Module 5, which will turn over in October. Fort Meade Module 6 is in our 2018 budget before you today. This is essentially the reason that we need to do that.

Senator MURPHY. Where is that? What building is that?

Mr. AYERS. That is the Thomas Jefferson Building.

Dr. HAYDEN. 1897 building. It was not built to handle the increase of the Library's collections.

The Library, as you probably know, is the national library for this country and the library of record. In future years, it will be the only library, for instance, that might have physical copies of particular items and their manuscript collection.

Senator LANKFORD. Right.

Dr. HAYDEN. Thank you.

Senator LANKFORD. Module 6, by the way, is it the same design as Module 4 and 5? Are you using the same architectural drawings and plans and efficiencies there or are those changing each time?

Mr. AYERS. They do not change each time. Essentially, the building is the same. There are some efficiencies gained and we do a central plant portion. So we are able to make some efficiencies, and mechanical, and electrical systems as well.

Senator LANKFORD. Okay. I had always heard when you use something seven times by the seventh time is when you really gain efficiency. So we will see how it comes out pricing for Module 7 in the years ahead.

Any other comments that you want to be able to put on the record?

Dr. HAYDEN. Just to thank you for your consideration of the request.

Senator LANKFORD. Thank you.

Mr. AYERS. Thank you.

Senator LANKFORD. As Senator Murphy mentioned before, there are a lot of extremely important things to do, and there are a lot of people that are involved in this that are very dedicated folks that work on it.

But as Senator Kennedy said as well, part of the struggle of this subcommittee, not particularly with this subcommittee, but every time there is an increase in spending in one area there is a conversation about cancer research in another. There is a conversation about roads, and another about national defense, and to try to be able to figure out priorities and where those need to land. These become very complicated issues very, very quickly as we work through this process.

I appreciate very much both your work on a day to day basis and your team. You both have very remarkable teams, but also your preparation for this hearing as well, both today and your written information.

The hearing record will remain open for 7 days allowing members to submit statements or questions for the record, which should be sent to the subcommittee by the close of business on Wednesday, June 14, 2017.

SUBCOMMITTEE RECESS

Senator LANKFORD. The next hearing of the subcommittee will be held on Wednesday, June 14, at 11:00 a.m. here in this same room, Dirksen 124, and we will hear testimony from Capitol police and the Senate Sergeant at Arms regarding their fiscal year 2018 budget request for those agencies.

Until then, thank you very much.

This hearing is adjourned.
[Whereupon, at 4:10 p.m., Wednesday, June 7, the subcommittee
was recessed, to reconvene June 14, at 11:00 a.m.].